

AMENDED IN SENATE JULY 15, 2010
AMENDED IN ASSEMBLY MAY 17, 2010
AMENDED IN ASSEMBLY MAY 6, 2010
AMENDED IN ASSEMBLY APRIL 12, 2010
AMENDED IN ASSEMBLY FEBRUARY 25, 2010
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1652

Introduced by Assembly Member Jones
(Principal coauthor: Senator Yee)

January 14, 2010

An act to add Article 4 (commencing with Section 115815) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1652, as amended, Jones. Public safety: ski resorts.

Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet while operating a bicycle or riding upon a bicycle as a passenger upon the streets or any other public bicycle path. Existing law also regulates certain behavior related to recreational activities and public safety, including among other activities, skateboarding and recreational water use.

This bill would require ski resorts to prepare an annual safety plan, make the safety plan available to the public upon request, and make available to the public a monthly report with specified details about any fatal incidents at the resort which resulted from a recreational

activity. The bill would also require a standardized signage policy and a standardized equipment padding policy for the resort.

The bill would also provide that it shall become operative only if SB 880 is also enacted.

This bill would require a person under 18 years of age or a person employed by a ski resort, as defined, to wear a properly fitted and fastened snow sport helmet while operating snow skis or a snowboard. The bill would require resorts to inform all patrons at the time of ticket or pass purchase of the helmet requirement. The bill would require a resort to revoke the ticket or pass of a patron who violates the helmet requirement if during the resort’s usual and customary enforcement of resort rules the resort identifies a patron who has violated the requirement.

The bill would also require a ski resort to prepare an annual safety plan, as specified, that conforms with the requirements of federal regulations applicable to ski resorts operating on federal property, as well as other specified requirements. The bill would also require a ski resort to create a monthly summary report for each calendar month of operation stating the number of deaths and injuries at the resort of which mountain operational personnel are aware. The bill would specify the type of information that would be included in the report.

The bill would also require a ski resort to provide the annual safety plan or the monthly summary report within 14 days, charging no more than \$0.25 per page. The bill would also provide that if a ski resort fails to comply with those provisions, the requesting individual is authorized to use that failure as the basis to initiate a civil cause of action to compel the production of the requested items. The bill would allow a prevailing plaintiff in that action to obtain costs and fees.

The bill would specify that nothing in those measures shall be construed to change the existing assumption of the risk doctrine as it applies to ski resorts.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 4 (commencing with Section 115815) is
- 2 added to Chapter 4 of Part 10 of Division 104 of the Health and
- 3 Safety Code, to read:

Article 4. Ski Resorts

115815. ~~For the purposes of this article, the following definitions shall apply:~~

(a) ~~“Ski resort” means any ski resort that operates in California.~~

(b) ~~“Skier day” refers to a ski industry term used to denote one visit to a ski resort by a guest who skis or snowboards. The term is used to compute and state attendance figures over the course of a ski and snowboard season.~~

115816. (a) ~~The ski resort shall prepare an annual safety plan that conforms with the requirements of federal regulations applicable to ski resorts operating on federal property. In addition to meeting federal requirements, the plan shall include the following:~~

(1) ~~A description of standardized signage and signage placement marking ski area boundaries and both natural and manmade hazards, and a description of how that signage and its placement also facilitate the safe flow of skiers and snowboarders.~~

(2) ~~A key to all signage to be included on all trail maps and made available upon request at ticket sales locations and other conspicuous point-of-sale locations.~~

(3) ~~The types of manmade and natural hazards or obstacles that will be marked by signage, be subject to protection, or both, and if subject to protection by fencing, padding, or other impact mitigation or diversion, the plan shall include the specific methods and materials to be used.~~

(b) ~~The ski resort shall post the annual safety plan at a location in the ski resort where it can be viewed by the public, make the plan available to any person who requests it at the ski resort, and make the plan available on the ski resort’s Internet Web site, if one is maintained.~~

115817. (a) ~~The ski resort shall create a monthly summary report for each calendar month of operation stating the number of deaths and injuries at the resort of which employees of the ski resort are aware. Injuries shall be reported in the following categories, if known:~~

(1) ~~Evacuated to a medical care facility by air or ground emergency medical transport vehicle.~~

(2) ~~Treated and released at a mountain medical care facility.~~

(3) ~~Not treated but advised to seek followup medical care.~~

1 ~~(b) The monthly summary report shall also include the total~~
2 ~~number of skier days for that month.~~

3 ~~(c) The ski resort shall provide the monthly summary report to~~
4 ~~any person who requests it in person or in writing. The monthly~~
5 ~~summary report shall be provided within three business days of a~~
6 ~~request.~~

7 ~~(d) The monthly summary report for any month shall be made~~
8 ~~available no later than the 15th day of the following month.~~

9 ~~115818. If a resort fails to comply with subdivision (c) of~~
10 ~~Section 115817, the requesting individual may use that failure as~~
11 ~~the basis to initiate a civil cause of action to compel the production~~
12 ~~of the requested items. If the individual prevails in a civil action~~
13 ~~to compel the production of these reports or documents, the resort~~
14 ~~shall also pay the cost of the individual’s attorney’s fees and court~~
15 ~~costs.~~

16 ~~115819. (a) A person under 18 years of age shall not operate~~
17 ~~snow skis or a snowboard unless that person is wearing a properly~~
18 ~~fitted and fastened snow sport helmet that meets the standards of~~
19 ~~the ASTM International or the Snell Memorial Foundation, or~~
20 ~~standards subsequently established by those entities.~~

21 ~~(b) A person employed by a ski resort shall not operate snow~~
22 ~~skis or a snowboard unless that person is wearing a properly fitted~~
23 ~~and fastened snow sport helmet that meets the standards of the~~
24 ~~ASTM International or the Snell Memorial Foundation, or~~
25 ~~standards subsequently established by those entities.~~

26 ~~(c) Resorts shall inform all patrons at the time of ticket or pass~~
27 ~~purchase of the helmet requirement described in subdivision (a).~~
28 ~~If a resort during its usual and customary enforcement of resort~~
29 ~~rules identifies a patron who violates the requirement in subdivision~~
30 ~~(a), the resort shall revoke the ticket or pass of the patron.~~

31 ~~115820. Nothing in this article shall be construed to change~~
32 ~~the existing assumption of the risk doctrine as it applies to ski~~
33 ~~resorts.~~

34 ~~115815. A ski resort that operates in California shall do all of~~
35 ~~the following:~~

36 ~~(a) Prepare an annual safety plan that conforms with the~~
37 ~~requirements of federal regulations applicable to ski resorts~~
38 ~~operating on federal property.~~

39 ~~(b) Make the annual safety plan available to the public at the~~
40 ~~ski resort, upon request.~~

1 (c) Make available to the public a monthly report containing
2 the following information, if known:

3 (1) A description of each incident resulting in a fatality which
4 occurred on the ski resort property and resulted from a
5 recreational activity, such as skiing, snowboarding, and sledding,
6 that the resort is designed to provide.

7 (2) The age of each person killed in an incident identified in
8 paragraph (1), the type of recreational activity involved, the cause
9 of the fatality, the location at the resort where the incident
10 occurred, and the name of any facility where medical treatment
11 was provided. The report shall not identify a deceased person by
12 name or address.

13 (d) Establish a standardized signage policy used to indicate a
14 ski area boundary, hazard, or other safety information.

15 (e) Establish a policy for standardized safety padding or other
16 barriers for lift towers and fixed snowmaking equipment located
17 on or in close proximity to groomed ski runs.

18 SEC. 2. This act shall become operative only if Senate Bill 880
19 of the 2009–10 Regular Session is also enacted.